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PATENT  
Docket No. 017761-003900US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On 12-9-04

TOWNSEND and TOWNSEND and CREW LLP

By: London Clark

**RECEIVED**  
DEC 22 2004  
OFFICE OF PETITIONS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

GEORGE MATLOCK

Application No.: 10/768,778

Filed: January 30, 2004

For: ELECTRICALLY  
HEATED/PHASE CHANGE PROBE  
TEMPERATURE CONTROL

Examiner: Unassigned

Art Unit: 3762

CORRECTION OF ERROR IN SMALL  
ENTITY STATUS AND PAYMENT OF  
DEFICIENCY OWED UNDER 37 CFR  
§1.28(c) AND MPEP 509.03(x)

December 9, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on January 30, 2004 originally claimed small entity status in good faith. However, it has recently been discovered that such status as a small entity was established in error. The following submission and itemization are believed to meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicants respectfully request the deficiency payment be processed and the correct entity status be accorded to the application.

12/20/2004 PTRICE 00000021 201430 10768778

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GEORGE MATLOCK  
Application No.: 10/768,778  
Page 2

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PATENT

**OFFICE OF PETITIONS**  
ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED

DATE FILED	TYPE OF FEE	SMALL ENTITY FEE ACTUALLY PAID	(CURRENT) LARGE ENTITY FEE FOR ACTION	DEFICIENCY PAYMENT OWED
01/30/2004	Utility Filing Fee	\$385.00	\$790.00	\$405.00
01/30/2004	Total Claims	\$135.00	\$750.00	\$615.00
01/30/2004	Independent Claims	\$43.00	\$200.00	\$157.00

**TOTAL DEFICIENCY PAYMENT OWED: \$1177.00**

Applicants hereby authorize the Commissioner to deduct the total deficiency owed of \$1177.00 from Deposit Account No. 20-1430. Please deduct any additional fees due from, or credit any overpayment to, the above-noted Deposit Account.

Applicants understand that under 37 CFR §1.28(d) this submission is treated under § 1.27(g)(2) as a notification of loss of entitlement to small entity status.

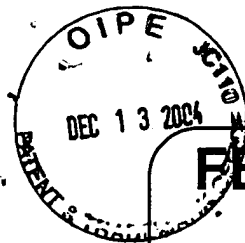
If the Examiner believes a telephone conference would expedite prosecution of this application, he is invited to telephone the undersigned at 415.576.0200.

Respectfully submitted,



Nena Bains  
Reg. No. 47,400

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
NB/lc  
60369722 v1



# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1177

Complete if Known

Application Number	10/768,778
Filing Date	January 30, 2004
First Named Inventor	Matlock, George
Examiner Name	Unassigned
Art Unit	3762
Attorney Docket No.	017761-003900US

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 20-1430

Deposit Account Name Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		** =	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims		** =		X		=	
Multiple Dependent				X		=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Payment Of Deficiency Owed Under 37 CFR §1.28(c) and MPEP 509.03(x)

1177

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

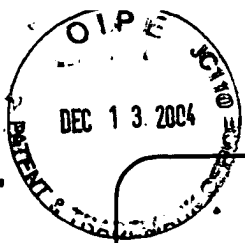
(\$1177)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Nena Bains	Registration No. (Attorney/Agent)	47,400	Telephone	415-576-0200
Signature				Date	12/9/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number

10/768,778

Filing Date

January 30, 2004

First Named Inventor

Matlock, George

Art Unit

3762

Examiner Name

Unassigned

Attorney Docket Number

017761-003900US

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**ENCLOSURES (Check all that apply)****OFFICE OF PETITIONS**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation

Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

Return Postcard

Correction of Error in Small Entity Status and  
Payment of Deficiency Owed Under 37 CFR  
§1.28(c) and MPEP 509.03(x)Certified Copy of Priority  
Document(s)Reply to Missing Parts/ Incomplete  
ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Remarks

The Commissioner is authorized to charge any additional fees to Deposit  
Account 20-1430.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Nena Bains

Date

12/9/04

Reg. No.

47,400

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Landon Clark

Date

12-9-04